

Who Shot JFK? The 30-Year Mystery

CASE CLOSED

**Lee Harvey Oswald and
The Assassination of JFK**

By Gerald Posner
Random House. 607 pp. \$25

THE LAST INVESTIGATION

By Gaeton Fonzi
Thunder's Mouth. 448 pp. \$24.95

**DEEP POLITICS AND
THE DEATH OF JFK**

By Peter Dale Scott
University of California Press. 413 pp. \$25

By Jeffrey A. Frank

“WE WILL probably never know beyond the shadow of a doubt who caused John Kennedy to be murdered and why,” historian Michael R. Beschloss has observed. “So much conflicting and unverifiable information and disinformation has been generated by so many intelligence services and other groups for a thousand different reasons that, three decades later, it is almost impossible to imagine an explanation of the crime grounded on a single coherent body of evidence that will silence all but extreme skeptics.”

Such a caution, alas, did not inhibit Gerald Posner, whose boldly titled book, *Case Closed*, arrived this autumn on a great wind of publicity. For those who favor the lone-assassin theory, the work is a gift. But it is a gift to be unwrapped with care.

Posner, a former Wall Street lawyer, rarely strays from paths staked out by the Warren Commission, which concluded that the assassin was Lee Harvey Oswald, acting alone, and that Oswald's killer, Jack Ruby, was similarly on his own. In staking out this path, he shrugs off the second official version, produced in 1979 by the House Select Committee on Assassinations: that the president was “probably” killed as a result of a conspiracy. The committee's chief counsel, Robert Blakey, a Cornell law professor and Justice Department veteran, said that he believed it was a “historical truth” that Kennedy was killed by organized crime. The committee developed acoustic evidence that suggested, with a 95 percent probability, that a second gunman was firing at JFK in Dealey Plaza. That evidence has been disputed (Posner disputes it vigorously) but never disproved.

Posner organizes his argument well, and one can see why it could be persuasive. For a jury of readers, he performs as a skilled prosecutor. But because he is determined to make his point to the exclusion of all others,

Posner's book ultimately becomes an all-too-transparent brief for the prosecution.

Did the shots come from the sixth floor of the Texas School Book Depository? Posner adds up the witnesses and reveals a lopsided score. But he does not deal with the quality of their testimony, or the fact that some believe shots came from elsewhere, too. He leaves out, for example, the testimony of William Newman, a Korean War veteran who stood in front of the grassy knoll and saw the president shot. Newman told the Warren Commission that he felt the shot passing over his head and pushed his wife to the ground to protect her. (In photographs, you can see Newman and his family lying flat on the ground.) Posner's only mention

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of Newman is a throwaway footnote.

He uses other witnesses when it suits him. Earlene Roberts, the housekeeper at Oswald's rooming house, is not credible to Posner when she reports that a police car stopped outside the house at 1 p.m. and honked twice. Ten pages later, though, Posner is happy to use her as a witness who saw Oswald leaving, wearing a jacket. In his curiously wooden portrait of the young Oswald (portrayed with far more insight by Priscilla Johnson McMillan in *Marina and Lee* and even in Don DeLillo's fictional *Libra*), the author cites Dr. Rhenus Hartogs's psychiatric testimony to the Warren Commission—but not the psychiatrist's impressions from 1953.

By doing this sort of thing, Posner avoids the diversions and inevitable blind alleys that fascinate critics, but he also turns away from the very real mysteries of the case. Thus he concedes that finding the address “544 Camp Street” on Oswald's Fair Play for Cuba handouts in New Orleans is intriguing; it was, after all, also the address of Guy Bannister, a former FBI agent, who had ties to various right-wing and racist causes. Another user of 544 Camp was Bannister's sometime associate, David Ferrie, who worked with anti-Castro Cubans and for mob boss Carlos Marcello. But while Posner

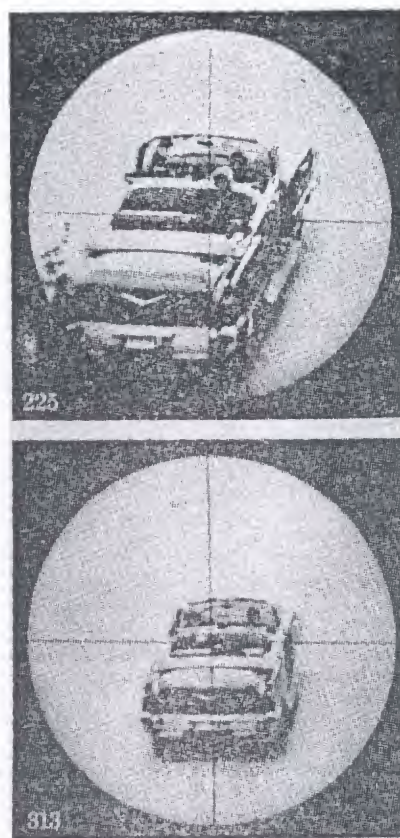
concedes that Ferrie and Bannister were a "strange and memorable pair of associates," he takes Oswald out of their orbit by rejecting testimony that they knew each other and supposing that Oswald simply fancied that address as he strolled by—and had no credible ties to it.

Similarly, after Posner recounts that the House Select Committee found a link between Oswald and Ferrie in New Orleans to be "credible and significant," he attacks the six disinterested witnesses who saw them together in a small Louisiana town. He does not dispute these witnesses' honesty but rather finds contradictions in their early affidavits—a prosecutor's tactic.

Nor does he bring anything new to one of the most mysterious episodes in Oswald's short life: a trip to Mexico City in late September 1963. Posner acknowledges that many theorists believe that the man who made repeated visits to the Cuban and Soviet embassies there might have been an impostor—an indication that a plot was afoot. "The issue is a fertile one," Posner notes, "because of several factors, including a significant CIA blunder that the Agency has never completely clarified." The slightly built, 23-year-old Oswald was described in a teletype as "approximately 35 years old, with an athletic build, about six feet tall, with a receding hairline." A CIA photograph said to be of Oswald shows a man who was not Oswald—but matches that description. Furthermore, reported voice recordings of Oswald made at the time have been lost, although a staff member of the Warren Commission heard one as late as 1964.

All this, of course, may be a simple accumulation of bureaucratic botches (e.g., mismatching a photo with someone else under surveillance, as the CIA said), but it makes for continued speculation, particularly if you have a conspiratorial bent. Posner does not have that inclination, which is probably a good thing in a project of this sort. But his response to what is most baffling is simply to belittle evidence that annoys him and find flaws in the messengers who bear it.

In the end, Posner leaves the case not



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FBI reconstructions for the Warren Commission to approximate the telescopic view of the assassin

closed but murky. To seal the argument that one bullet struck Kennedy and Gov. John Connally—a *sine qua non* of the lone-assassin theory—Posner uses computer-enhanced material developed by the San Francisco firm Failure Analysis Associates. Yet Roger McCarthy, the firm's CEO, has since expressed outrage over what he calls a "fundamental misrepresentation" of the data—including an implication that the work was commissioned by Posner. In fact, McCarthy told *The Washington Post's* George Lardner that the company's work was developed as a demonstration of technology for the American Bar Association and was used in the course of a mock trial of Oswald. The result of that mock trial was a hung jury.

One virtue of Posner's book is that it replies to critics who have had free, and often irresponsible, rein with the subject, and in the course of it he assails such theorists as Gaeton Fonzi.

Fonzi worked as an investigator for the House Select Committee, and his particular obsession, then and now, is Maurice Bishop, a shadowy figure who he believed ran assas-

sination plots against Fidel Castro. Bishop also founded the guerrilla group Alpha 66, which continued to conduct raids on Cuba after the 1962 missile crisis.

Fonzi, when he worked for the House committee, became friendly with Antonio Veciana, the leader of Alpha 66, who told Fonzi this story: In September 1963, he visited Dallas and saw Bishop together with Lee Harvey Oswald. ("I did not look up," Fonzi writes in his excitable way. "In my mind, I fell off the chair.") Fonzi was particularly eager to prove that Maurice Bishop was the same person as David Atlee Phillips, a former chief of CIA operations in Latin America and the man who headed the CIA unit in Mexico City during the time of Oswald's reported visit.

Alas for Fonzi, Veciana would not confirm that dual identity. When Fonzi, in his role as House investigator, brought Phillips and Veciana face to face, Veciana said, "No,

he's not him.' A long silence. 'But he knows.' Fonzi, for some reason, does not press Veciana, so the question as to *what* precisely he thought Phillips knew is not answered.

Fonzi, as an investigator, likewise became interested in Silvia Odio, whose testimony about a visit from one "Leon Oswald" and two anti-Castro Cubans in the fall of '63 also disturbed the Warren Commission. But even this material is nearly drowned out by the author's overwrought prose. When Fonzi is not denouncing what he sees as the political agenda of the House committee (determined, he insists, to prove that the mob killed JFK), he appears to be something of a one-man angel of death. Early in the book, he writes: "On my first official day, I sent to Washington a list of witnesses I planned to interview . . . William Pawley

was near the top of that list. Exactly one week later, [Pawley], in bed in his mansion on Miami Beach with a nervous ailment, put a gun to his chest and committed suicide."

Then: "A week before I had scheduled to call [exiled Cuban president Carlos] Prio for an interview, he went to the side of his Miami Beach home, sat in a chaise outside the garage and shot himself in the heart."

And, finally: "About four hours after I had been there [George de Mohrenschildt's] daughter told him of my visit and gave him my card . . . shortly afterward he said he was going upstairs to rest. What de Mohrenschildt then apparently did was take a .20-gauge shotgun . . . barrel in his mouth, leaned forward and pulled the trigger."

Maybe it's something in Fonzi's manner.

Like many researchers, Fonzi is struck by the way things seem to dovetail, the sometimes startling coincidences. After all, it is true enough that Oswald's closest friend in Dallas was the enigmatic White Russian de Mohrenschildt and that de Mohrenschildt had been a friend of the Bouvier family and known Jacqueline Bouvier as a little girl. It is fascinating, but what can it possibly mean?

SUCH LINKAGES (though not that particular one) are what propel Peter Dale Scott, a professor of English at Berkeley and an assassination theorist for more than two decades.

Scott seems to know almost everything that is publicly known about the murder of JFK. He writes with authority and in a strangely detached, lucid prose. Perhaps it is because he knows almost everything that he has an irresistible impulse to connect almost everything.

Some of these ties have absorbed other students of the case—such as those of Jack Ruby to such organized crime figures as Lewis McWillie, who managed the Tropicana nightclub in Havana—connections that the House Select Committee found important but that the Warren Commission more or less ignored.

But Scott himself becomes, in his book, increasingly bizarre, trotting out endless linkages—all to support his "deep politics" theme, which is that the American century is unfathomably corrupt. Ultimately, Scott appears to go around the bend. In one passage, too long to quote in full, he manages to connect Ruby to Candy Barr, the stripper and "protégée" of gangster Mickey Cohen. Barr in turn is connected to the Bobby Baker scandal through friends of Baker. They are connected by marriage to one Maureen Biner, who would later become known as (ta-da!) Mo Dean, after marrying John Dean, of Watergate fame.

After a while, these connections become a source of wonderment, though not perhaps as Scott intended. This is the sort of thing that gives skepticism a bad name. ■